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10/563,093

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Toshiyuki Noguchi

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EXAMINER

TOWFIGHI, AFSHAWN M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/563,093 | Applicant(s) NOGUCHI, TOSHIYUKI | |
| | Examiner AFSHAWN TOWFIGHI | Art Unit 2458 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 37-44 are pending.
2. Claims 1-36 are cancelled.
3. Claims 37-44 are new.

Response to Arguments

4. Applicant's arguments with respect to claims 37-44 have been considered but are moot in view of the new ground(s) of rejection. See examiner citations.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 44, the claim recites a computer readable recording medium. This is interpreted to encompass a signal or a carrier wave. A signal or a wave is not statutory subject matter. It is suggested that the applicant change "computer readable recording medium" to "non-transitory computer readable storage medium".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 37-39, 41, 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernklau-Halvor (Patent No: 6,782,495), herein after Bernklau.

As to claim 37, Bernklau teaches an online service system comprising: a client terminal (Bernklau, Col 2 Lines 48-50, a user computer connected to a printer); a transfer server (Bernklau, Col 2 Lines 26-29 and 53-55, the support server); and a plurality of service providing apparatuses each capable of communicating via a network (Bernklau, Figure 4, and Col 13 Lines 47 - Col 14 Lines 63, apparatuses/databases for service) wherein the client terminal is connected with a device Bernklau, Col 2 Lines 48-50, a user computer connected to a printer, and the client terminal comprises: an acquisition unit that acquires accessory information indicating a state of accessories of the device (Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered); a first transmission unit that transmits the acquired accessory information to the transfer server by using a first address for accessing the transfer server, the accessory information being added to the first address (Bernklau, Col 2 Lines 26-29 and 53-55, a

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URL argument added where the printer sends the acquired information to the support server. The address is the URL); a reception unit that receives, from the transfer server, a second address to which the accessory information is added, the second address for accessing a service providing apparatus designated by the transfer server (Bernklau, Col 2 Lines 62-25, support links are selected by the printer user which adds a URL argument to request a webpage. The URL for the solution is the second address); and a second transmission unit that transmits the accessory information to the designated service providing apparatus by using the second address, wherein the transfer server comprises: an address generation unit that designates one of the plurality of service providing apparatuses based on the accessory information added to the first address, and generates the second address by adding the accessory information to an address for accessing the designated service providing apparatus (Bernklau, Col 2 Lines 54-65, the support server uses the information sent to it to generate URL's for solutions (second addresses)); and a notification unit that notifies the client terminal of the second address (Bernklau, Col 2 Lines 54-65, the webpage is returned to the user), and wherein the service providing apparatus comprises: a screen information generation unit that generates screen information of the accessories of the device based on the accessory information added to the second address, when the access by using the second address is received from the client terminal (Bernklau, Col 2 Lines 54-65, the service providing databases comprise webpages(screen information)); and a screen information transmission unit that transmits the generated screen information to the

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client terminal (Bernklau, Col 2 Lines 54-65, the webpage is returned to the user for display).

As to claim 38, Bernklau teaches wherein the client terminal has driver software of the device, and acquisition processing by the acquisition unit is executed according to the driver software (Bernklau, Col 2 Lines 21-23, the printer driver handles request for printer support service)

As to claim 39, Bernklau teaches wherein the device is a printer (Bernklau, Col 2 Lines 14, a printer), the accessory information includes information indicating ink remaining amount of the printer (Bernklau, Table 1 Line 20, acquired information includes ink and ink levels), and the screen information generation unit generates the screen information for displaying icons corresponding to the ink remaining amount (Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser. The displayed information is a visual representation of the information).

As to claim 41, Bernklau teaches a client terminal connected with a device (Bernklau, Col 2 Lines 48-50, a user computer connected to a printer) and being capable of

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communicating with a transfer server (Bernklau, Col 2 Lines 26-29 and 53-55, the support server) and a service providing apparatus network (Bernklau, Figure 4, and Col 13 Lines 47 - Col 14 Lines 63, apparatuses/databases for service), the client terminal comprising: an acquisition unit that acquires accessory information indicating a state of accessories of the device (Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered); a first transmission unit that transmits the acquired accessory information to the transfer server by using a first address for accessing the transfer server, the accessory information being added to the first address (Bernklau, Col 2 Lines 26-29 and 53-55, a URL argument added where the printer sends the acquired information to the support server. The address is the URL); an address reception unit that receives, from the transfer server, a second address to which the accessory information added to the first address is added, the second address for accessing a service providing apparatus designated by the transfer server based on the accessory information (Bernklau, Col 2 Lines 62-25, support links are selected by the printer user which adds a URL argument to request a webpage. The URL for the solution is the second address); a second transmission unit that transmits the accessory information to the designated service providing apparatus by using the second address to which the accessory information is added (Bernklau, Col 2 Lines 54-65, the support server uses the information sent to it to generate URL's for solutions (second addresses)); and a screen information reception unit that receives screen information on the accessories of the device from the service providing apparatus, the screen information being generated by the service providing apparatus based on the accessory information transmitted by

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the second transmission unit (Bernklau, Col 2 Lines 54-65, the service providing databases comprise webpages(screen information) that gets received and displayed by the user).

As to claim 43, Bernklau teaches a method for a client terminal connected with a device and being capable of communicating with a transfer server and a service providing apparatus, the method comprising: acquiring accessory information indicating a state of accessories of the device (Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered); a first transmission step of transmitting the acquired accessory information to the transfer server by using a first address for accessing the transfer server, the accessory information being added to the first address (Bernklau, Col 2 Lines 26-29 and 53-55, a URL argument added where the printer sends the acquired information to the support server. The address is the URL); a first reception step of receiving, from the transfer server, a second address to which the accessory information added to the first address is added, the second address for accessing a service providing apparatus designated by the transfer server based on the accessory information (Bernklau, Col 2 Lines 62-25, support links are selected by the printer user which adds a URL argument to request a webpage. The URL for the solution is the second address); a second transmission step of transmitting the accessory information to the designated service providing apparatus by using the second address to which the accessory information is added (Bernklau, Col 2 Lines 54-

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65, the support server uses the information sent to it to generate URL's for solutions (second addresses)); and a second reception step of receiving screen information on the accessories of the device from the service providing apparatus, the screen information being generated by the service providing apparatus based on the accessory information transmitted by the second transmission step (Bernklau, Col 2 Lines 54-65, the service providing databases comprise webpages(screen information) that gets received and displayed by the user).

As to claim 44, Bernklau teaches a computer-readable recording medium on which is stored a program for causing a computer to execute a method for a client terminal connected with a device and being capable of communicating with a transfer server and a service providing apparatus, the method comprising: acquiring accessory information indicating a state of accessories of the device (Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered); a first transmission step of transmitting the acquired accessory information to the transfer server by using a first address for accessing the transfer server, the accessory information being added to the first address (Bernklau, Col 2 Lines 26-29 and 53-55, a URL argument added where the printer sends the acquired information to the support server. The address is the URL); a first reception step of receiving, from the transfer server, a second address to which the accessory information added to the first address is added, the second address for accessing a service providing apparatus designated by the transfer server based on the accessory information (Bernklau, Col 2 Lines 62-25, support links are selected by

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the printer user which adds a URL argument to request a webpage. The URL for the solution is the second address); a second transmission step of transmitting the accessory information to the designated service providing apparatus by using the second address to which the accessory information is added (Bernklau, Col 2 Lines 54-65, the support server uses the information sent to it to generate URL's for solutions (second addresses)); and a second reception step of receiving screen information on the accessories of the device from the service providing apparatus, the screen information being generated by the service providing apparatus based on the accessory information transmitted by the second transmission step (Bernklau, Col 2 Lines 54-65, the service providing databases comprise webpages(screen information) that gets received and displayed by the user).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernklau as applied to claims 37 and 41 above, and further in view of Bigi (Pub No: 2002/0085223).

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As to claim 40, Bernklau teaches wherein the device is a printer (Bernklau, Col 2 Lines 14, a printer). Bernklau does not teach the accessory information includes information indicating a printer driver language of the printer, and the service providing apparatus is designated by the transfer server based on the printer driver language. Bigi teaches the accessory information includes information indicating a printer driver language of the printer, and the service providing apparatus is designated by the transfer server based on the printer driver language (Bigi, [0007], a printer driver tells the printer language. The combination suggests that the service would be based off of that language). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bernklau and Bigi to use printer language information because Bigi teaches that without printer language the computer software cannot make full use of the printer.

As to claim 42, Bernklau teaches wherein the device is a printer (Bernklau, Col 2 Lines 14, a printer), the accessory information of the printer, ink remaining amount information of the printer (Bernklau, Table 1 Line 20, acquired information includes ink and ink levels), and model information of the printer (Bernklau, Table 1 Line 5, Printer type), the service providing apparatus is designated by the transfer server based on the printer driver language information among the accessory information, and the screen information on the accessories of the device is generated by the service providing apparatus according to the ink remaining amount information (Bernklau, Table 1 Line 20, acquired information includes ink and ink levels) and model information among the

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accessory information (Bernklau, Table 1 Line 5, Printer type). Bernklau does not teach teaches includes printer driver language information. Bigi teaches includes printer driver language information (Bigi, [0007], a printer driver tells the printer language. The combination suggests that the service would be based off of that language). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bernklau and Bigi to use printer language information because Bigi teaches that without printer language the computer software cannot make full use of the printer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSHAWN TOWFIGHI whose telephone number is (571)270-7296. The examiner can normally be reached on Monday - Friday 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on (571)272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. T./
Examiner, Art Unit 2458

/Joseph E. Avellino/
Supervisory Patent Examiner, Art Unit 2458